

REMARKS

After the above amendments, Claims 1-4 and 6-26 are pending. Claims 14-22, 24 and 26 are withdrawn.

Claims 23 and 25 stand rejected under 35 U.S.C. §112 for allegedly being indefinite.

Claims 1-9, 12-13, 23 and 25 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by PCT Publication No. WO 01/30501 to Kennewell et al. ("Kennewell").

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of U.S. Patent No. 6,685,794 to Shinohara et al. ("Shinohara").

Applicants have amended Claims 1, 23 and 25 for clarification, and have cancelled Claim 5. Applicants respectfully traverse the rejections under §112, §102 and §103 for at least the reasons described herein.

Section 112 Rejections

Claims 23 and 25 stand rejected under 35 U.S.C. §112 for allegedly being indefinite. Applicants have amended Claims 23 and 25, as indicated above, in an effort to address the Examiner's concerns. In view of this amendment, reconsideration and withdrawal of this rejection are respectfully requested.

Section 102 Rejections

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Independent Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Kennewell. Applicants respectfully traverse the rejection on the basis that Kennewell fails to disclose all of the recitations of independent Claim 1, as alleged in the Action. Claim 1 has been amended to recite that the distributor plate includes a ***single-piece substantially flat body continuously extending across the axis of rotation of the rotor***. Support for the

amendment can be found in Figures 1 to 8 of Applicants' application and, more generally, in the specification where the embodiment illustrated and described is a single-piece substantially flat distributor plate 10 consisting of a base portion 28 and a wear plate 26. It is clearly evident that both base portion 28 and wear plate 26 continuously extend across the axis of rotation of the rotor.

The advantages of using a substantially flat single piece distributor plate are elucidated in Applicants' specification on page 9, line 31 to page 10, line 10, and include a reduced liability to blockage during use because the volume of available space in the rotor chamber is larger than that of prior art devices. Such less obstructive geometry within the chamber of the rotating shaft impactor allows for rapid and easier passage of higher volumes of feed material, or feed materials which have a coarser overall particle size. Use of a single-piece distributor plate will also not result in the development of preferential wear sites of corners, edges, join lines etc, as can happen with the known distributor plates that have two or more parts which form conical or downwardly sloping surfaces.

In contrast, Kennewell describes a distributor plate having the disadvantages that the present invention overcomes. Figure 8 from Kennewell is set forth below.

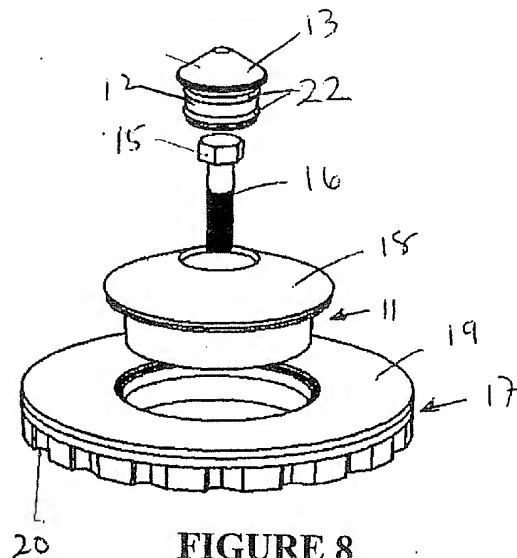


FIGURE 8

As illustrated above, the Kennewell distributor plate is comprised of a first member 11 capable of being positioned in the rotor so as to be surrounded by a second member 17. Each of the first and second members 11, 17 have a central recess. The first member 11 has a

central recess to locate a composite capping member 12 above a bolt head 15. The second member 17 has a central recess for receiving the first member. While the second member 17 is a flat annulus, the first member 11 and the capping member 13 each have convex upper surfaces. Accordingly, the distributor plate of Kennewell is neither a substantially flat body continuously extending across the axis of rotation of the rotor nor a single-piece body. Moreover, the Kennewell distributor plate enjoys all the inherent disadvantages of the prior art.

As such, Kennewell fails to teach all of the recitations of independent Claim 1 and, accordingly, does not anticipate independent Claim 1. Applicants respectfully assert that the rejection of independent Claim 1 under 35 U.S.C. §102 is overcome. Additionally, Applicants submit that dependent Claims 2-4 and 6-13 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully requests the allowance thereof.

Applicants' amended Claims 23 and 25 each recite a distributor plate that includes a single-piece substantially flat body continuously extending across the axis of rotation of the rotor. Thus, for at least the same reasons set forth above with respect to Claim 1, Kennewell fails to teach all of the recitations of Claims 23 and 25 and, accordingly, does not anticipate Claims 23 and 25. Applicants respectfully assert that the rejections of Claims 23 and 25 under 35 U.S.C. §102 are overcome.

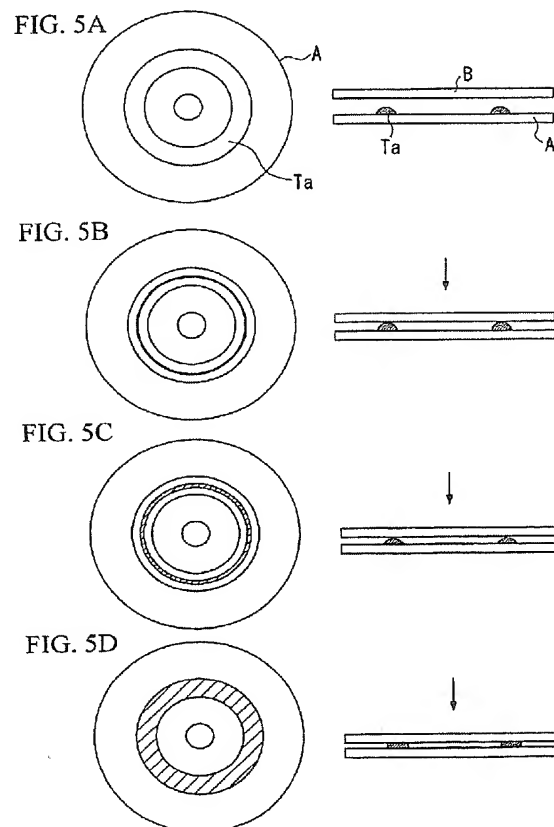
Section 103 Rejections

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of Shinohara. As an initial matter, because Claims 10 and 11 are dependent from Claim 1, Applicants respectfully submit that Claims 10 and 11 are allowable for at least the reasons set forth above with respect to §102. As discussed above, the primary reference, Kennewell, fails to teach or suggest all of the recitations of Applicant's independent Claim 1. The secondary reference, Shinohara, fails to overcome the deficiencies of Kennewell with respect to independent Claim 1. Shinohara describes a method for bonding two optical disc substrates together which comprises the steps of joining the optical disc substrates together with an adhesive and curing the adhesive, in which the adhesive is supplied onto the optical disc substrate by an electric field formed between an adhesive-

supplying nozzle, for supplying the adhesive onto the optical disc substrate, and the optical disc substrate, and the two optical disc substrates are then joined together and spun by a spinning process.

Claim 10 recites the wear element is spaced from the body by *one or more spacers arranged between opposing mating surfaces of the body and the wear element* so that, when the wear element is attached to the body by use of an adhesive substance, the spacer(s) provide a predetermined depth of the adhesive substance between the body and the wear element. Claim 11 depends from Claim 10 and recites *wherein one such spacer is a projecting ring on the body*, concentric with a central axis of the body and inset from the peripheral edge of the body.

Figs. 5A-5D from Shinohara are set forth below and illustrate two optical discs being bonded together.



As clearly illustrated in the figures above, Shinohara does not utilize one or more spacers between the optical discs, only adhesive Ta. Shinohara does not teach the use of a projection

ring to act as a spacer between two substrates. Rather, the purpose of the adhesive ring described in Shinohara is to store an excess of adhesive supplied from the adhesive supplying nozzle 1 (column 5, lines 37-43). Shinohara is entirely silent on the use and advantage of spacers between two bodies of any sort.

The Action cites col. 2, lines 15-58 from Shinohara for teaching that it is old and well known to provide a projection ring. (Action, page 4). However, nothing in the cited passage or in the remainder of Shinohara describes or suggests the use of spacers, whether in the form of a projecting ring or some other configuration. Shinohara only discloses adhesive between the optical discs. Applicants respectfully request the Examiner to specifically indicate where Shinohara describes spacers and adhesive as recited in Claim 10.

In view of the above, Applicants respectfully assert that the rejections of Claims 10 and 11 under 35 U.S.C. §103 are overcome.

CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,




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Anthony DeRosa